C.J. 's Court

Civil Writ Petition No. 378 (M/B) of 2002

Mintu Sharma ……. Petitioner

V/s

The Collector, Bageshwar and Others ……. Respondents

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Hon. A.A. Desai, C.J.
Hon. Irshad Hussain, J.

Sri L.P. Naithani, learned counsel for the petitioner and learned C.S.C. appeared.

The petitioner was holding liquor licence for running a retail shop at Sarai Khet in district Almora. However, by the impugned order, the Licensing Authority directed the petitioner to shift his shop to some other place and in the meanwhile to close down the shop. The validity thereof is questioned in this petition.

Heard learned Chief Standing Counsel. The only ground he has offered is that the impugned order was passed since there was public agitation against the shop. The ground as assigned has no justification to direct the licensee to shift the retail shop anywhere else. Such option is not available to licensee. The licensee can not carry the business at any place of his choice excepting the licensed premises approved by the Licensing Authority. The impugned order is manifestly illegal. Therefore, the same is hereby quashed and set aside. However, it is open for the Licensing Authority to take such steps as admissible under law.

The petition is accordingly allowed.

(A. A. Desai, C.J.) (Irshad Hussain, J.)

Dt. 02.09.2002
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